

**Chapter 9.04****OFFENSES****Sections:**

<b>9.04.010</b>	<b>Prohibition against certain forms of aggressive solicitation.</b>
<b>9.04.080</b>	<b>Gambling generally.</b>
<b>9.04.090</b>	<b>Specific gambling games prohibited.</b>
<b>9.04.100</b>	<b>Visiting gambling place.</b>
<b>9.04.110</b>	<b>Hats or headdresses obstructing view of spectators.</b>
<b>9.04.120</b>	<b>Loitering.</b>
<b>9.04.140</b>	<b>Sounding bell or whistle on streetcar or locomotive engine.</b>
<b>9.04.190</b>	<b>Use of public and private school ground at certain times prohibited.</b>
<b>9.04.200</b>	<b>Damaging public property.</b>
<b>9.04.210</b>	<b>Sales to children near school grounds.</b>
<b>9.04.220</b>	<b>Loitering for drug activities.</b>
<b>9.04.230</b>	<b>Display and sale of drug paraphernalia.</b>
<b>9.04.240</b>	<b>Throwing stones and missiles.</b>
<b>9.04.280</b>	<b>Annoying pedestrians--Impeding free passage.</b>
<b>9.04.290</b>	<b>Bicycles, skateboards, etc.</b>
<b>9.04.300</b>	<b>Trespass on private property.</b>
<b>9.04.400</b>	<b>Conduct on public property.</b>
<b>9.04.500</b>	<b>Sitting or lying in entrance of building prohibited.</b>

**Section 9.04.010 Prohibition against certain forms of aggressive solicitation.**

A. Definitions. For purposes of this section:

1. "Solicit, ask or beg" shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

2. "Public place" shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, the right-of-way of any freeway, including any on ramp, off ramp, or roadway shoulder which lies within the right-of-way of the freeway, highway, sidewalk, median, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby and other portion of any business establishment, an apartment house or hotel not constituting a room or apartment designed for actual residence.

3. "Aggressive manner" shall mean any of the following:

(a) Approaching or speaking to a person, or following a person before, during or after soliciting, asking or begging, if that conduct is intended or is likely to cause a reasonable person to:

(1) fear bodily harm to oneself or to another, or

(2) damage to or loss of property, or

(3) otherwise be intimidated into giving money or other thing of value;

(b) Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting, asking or begging;

(c) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(d) Using violent or threatening gestures toward a person solicited either before, during or after soliciting, asking or begging;

(e) Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing or value to the solicitor; or

(f) Using profane, offensive or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

B. Aggressive Solicitation prohibited.

No person shall solicit, ask or beg in an aggressive manner in any public place.

C. All solicitation prohibited at specified locations.

1. Banks and ATMs.

No person shall solicit, ask or beg within 15 feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within 15 feet of any automated teller machine during the time it is available for customers' use. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility. Provided further that no person shall solicit, ask or beg within an automated teller machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession of such facility. Nothing in this paragraph shall be construed to prohibit the lawful vending of goods and services within such areas.

(a) Definitions. For purposes of this section:

(1) "Bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

(4) "Check cashing business" means any person duly licensed as a check seller, bill payer, or prorater pursuant to Division 3 of the California Financial Code, commencing with Section 12000.

(5) "Automated teller machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(6) "Automated teller machine facility" shall mean the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(a) Exemptions. The provisions of Subsection C.1. shall not apply to any unenclosed automated teller machine located within any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure or space in which such machine is located.

2. Motor vehicles.

No person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking or begging while such vehicle is located in a public place, except as exempted in subsection 4.

3. Parking lots.

No person shall solicit, ask or beg in any public parking lot or structure any time after dark. "After dark" means any time from one-half hour after sunset to one-half hour before sunrise, except as exempted in subsection 4.

4. Exemptions.

Subsections C.2. and C.3. shall not apply to any of the following:

(a) to solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;

(b) to solicitations related to the lawful towing of a vehicle; or

(c) to solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

5. Public transportation vehicles.

Any person who solicits, asks or begs in any public transportation vehicle is guilty of a violation of this section.

(a) Definitions. For purposes of this section:

(1) "Public transportation vehicle" shall mean any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

D. Penalty.

A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

E. Severability.

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

F. Non-exclusivity.

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws. (Ord 6706 § 1, 2003; Ord. 6178 § 1, 1994)

**Section 9.04.080 Gambling generally.**

It is unlawful for any person to deal, play or carry on or open or cause to be opened or to conduct either as owner or employee or otherwise, whether for hire or not, any game of chance not mentioned or included in Section 330 of the Penal Code of the State played with cards, dice or any device for money, checks, credits or any other representative of value. (Prior code § 21.21)

**Section 9.04.090 Specific gambling games prohibited.**

It is unlawful for any person to carry on, open or cause to be opened or to conduct, either as owner or employee or otherwise, any game of lotto, hoopo, keeno, tango, skill ball, draw poker or similar game of skill or chance where a consideration of any kind is charged for admittance to or for the privilege of playing the same. (Prior code § 21.22)

**Section 9.04.100 Visiting gambling place.**

It is unlawful for any person to become an inmate of or a visitor at any place where gambling is practiced or carried on. (Prior code § 21.23)

**Section 9.04.110 Hats or headdresses obstructing view of spectators.**

It is unlawful for any person after the beginning of an entertainment, to wear any hat, or to wear any other headdress which shall tend to obstruct or hinder the view of any spectator in any theater, hall or any place where an admission fee is charged. (Prior code § 21.32)

**Section 9.04.120 Loitering.**

It is unlawful for any person to loiter or to stand or sit in or at the entrance of any church, hall, theater, or place of public assemblage so as to in any manner obstruct such entrance. (Prior code § 21.33)

**Section 9.04.140 Sounding bell or whistle on streetcar or locomotive engine.**

It is unlawful for any person operating a locomotive engine or streetcar within the City to blow or sound the whistle or bell of such locomotive engine or streetcar for any other purpose than to warn persons of danger from the approach of such locomotive engine or such streetcar, or for the protection of life and property. (Prior code § 21.38)

**Section 9.04.190 Use of public and private school ground at certain times prohibited.**

No person shall use, occupy or play any games in or upon, or loiter, or trespass in or upon any public or private school grounds in the City, including the buildings located thereon during the vacation of such school or at any other time when such school is not in session; provided, that this section shall not apply to school children occupying or playing upon school grounds before the opening of the morning session of the school or during the recess or noon hour thereof, or to hours after the last school session of each day when permission is given by the Board of Education; nor shall this section apply to other persons who have received permission to occupy such grounds from the Board of Education. (Prior code § 21.48)

**Section 9.04.200 Damaging public property.**

It is unlawful for any person to cut, mark, burn, tear down, deface, remove or destroy any building or any portion of any building, walk, bridge, fence, tree, plant, shrub, ornamental structure or object, post, pipe stone, wire or any other property belonging to or used by the City or located on, above, under or along its streets, sidewalks, parks or public places or buildings, without lawful authority. (Prior code § 21.49)

**Section 9.04.210 Sales to children near school grounds.**

It is unlawful for every hawker, peddler, vendor, or transient or mobile merchant to sell or offer for sale to any minor child or to any minor child attending any of the public schools within the City ice cream, drinks, candy, gum, popcorn, peanuts or any other food items on the street or from other public places within one thousand feet of the exterior boundaries of land on which is located any public or private school or pre-school building within the City between the hours of seven a.m. and four p.m. of any school day. (Ord. 6050 § 1, 1993; prior code § 21.57)

**Section 9.04.220 Loitering for drug activities.**

A. Acts Prohibited. It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public or near any public or private place including, but not limited to, streets, sidewalks, parks, plazas and squares, in a manner and under circumstances manifesting the purpose of engaging in drug-related activity defined as offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code.

B. Circumstances. Among circumstances that may be considered in determining whether such purpose is manifested are that the person:

1. Is a known drug user, possessor or seller. For purposes of this chapter, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this State of any violation involving the use, possession or sale of any of the substances referred to in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code, or such person has been convicted of any violation of any of the provisions of said sections or substantially similar laws of any political subdivision of this State or of any other State; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or a person who possesses drug paraphernalia as defined in California Health and Safety Code § 11014.5;

2. Is currently subject to an order prohibiting his or her presence in a high drug activity geographic area;

3. Behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, acting as a "lookout";

4. Is physically identified by the officer as a member of a "gang" or association which has as its purpose illegal drug activity;

5. Transfers small objects or packages for currency in a furtive fashion;

6. Takes flight upon the appearance of a police officer;

7. Tries to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;

8. Is in an area that is known for unlawful drug use and trafficking;

9. Is on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity;

10. Is in or within six feet of any vehicles registered to a known unlawful drug user, possessor or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

C. Penalty. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

D. Severability. If any part or provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable. (Ord. 6178 § 2, 1994)

#### **Section 9.04.230 Display and sale of drug paraphernalia.**

##### **A. Purpose.**

Regulating business establishments that display or offer for sale drug paraphernalia is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Riverside exposed to illegal drugs. The regulations promote the general welfare and temperance of children and minors and are intended to help reduce the illegal consumption and purchase of illegal drugs by children and minors by limiting their exposure to drug paraphernalia.

##### **B. Definitions.**

The following words and phrases, whenever used in this section, shall be construed as defined in this section.

1 "Drug paraphernalia," including but not limited to one or more of those items identified in that list set forth in Subparagraph 3 below, shall mean any device designed primarily for use by individuals for the smoking or ingestion of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance," as that term is defined in the Health and Safety Code of the State of California.

2 A device "designed primarily for" the smoking or ingestion set forth in Subparagraph B.1 above is a device, which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance," and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use the device for some other purpose.

3. Includable Items or Devices:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent or otherwise, heads or punctured metal bowls;

(b) A device constructed so as to prevent the escape of smoke and to accumulate smoke into a chamber to permit inhalation or ingestion of larger quantities of smoke than would otherwise be possible, whether the device is known as a "bong," or otherwise;

(c) A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested;

(d) A smokable pipe which contains a heating unit, whether the device is known as a "electric pipe," or otherwise;

(e) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb," or otherwise;

(f) A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user's lungs under pressure;

(g) A device for holding a cigarette, whether the device is known as a "roach clip," or otherwise;

(h) A spoon for ingestion through the nose;

(i) A straw or tube for ingestion through the nose or mouth.

4 "Public Library" - A place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, which is under the control, operation or management of the City.

5. "Public Park" - A park, playground, swimming pool, recreation center reservoir, golf course or similar athletic field within the City of Riverside, which is under the control, operation or management of the City and which is devoted to active or passive recreation.

6. "Religious Institution" - A building that is used primarily for religious worship and related religious activities.

7. "Schools" - An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

C. Business Establishment Responsibility

1 It shall be unlawful for any person in charge or control of any business establishment where drug paraphernalia is displayed for sale, offered for sale or sold, to knowingly allow or permit a minor, not accompanied by one or both of his or her parents or by his or her legal guardian, to enter and remain within any business establishment where drug paraphernalia is displayed for sale, offered for sale or sold.

D. Signage Requirements for Business Establishment

1 It shall be unlawful for any person in charge or control of a business establishment where drug paraphernalia is displayed for sale, offered for sale, or sold, to fail to display and

maintain or fail to cause to be displayed and maintained, at least one sign stating that a minor may not enter unless accompanied by one or both of his or her parents or by his or her legal guardian.

2. For purposes of subsection D.1, the language "MINORS PROHIBITED UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN" on the signs shall be printed in letters at least two inches high in black ink on a white surface. These signs shall be placed in a conspicuous location near each public entrance to the business establishment where drug paraphernalia is displayed for sale, offered for sale, or sold.

3. In the event a substantial number of public invitees or patrons of a business establishment where drug paraphernalia is displayed for sale, offered for sale or sold, uses a language other than English as a primary language, any sign required pursuant to this section shall be worded in both English and the language or languages involved.

**E. Restrictions on Entry by Minors**

1 In the event a sign or signs have been posted as required by Subsection B above, it shall be unlawful for a minor to enter any business establishment where drug paraphernalia is displayed for sale, offered for sale or sold, unless a minor is accompanied by one or both of his or her parents or by his or her legal guardian.

**F. Restrictions on Locations for Business Establishments Where Drug Paraphernalia May Be Displayed or Sold**

**1. Prohibitions.**

(a) No person shall operate a business establishment, where drug paraphernalia is displayed for sale, offered for sale or sold, within 500 feet of any school, religious institution, public library or public park.

(b) The distance specified in Subparagraph (a) above shall be the horizontal distance measured in a straight line from the property line of a school, religious institution, public park, or public library to the closest exterior structural wall of the business establishment without regard to intervening structures. (Ord. 6703 § 1, 2003)

**Section 9.04.240 Throwing stones and missiles.**

It is unlawful for any person to throw stones or other missiles at vehicles of any kind or at persons passing on the street or in any other place, or to frighten or attempt to frighten any horse or other animal carrying persons in vehicles or otherwise, or to wantonly or willfully throw stones or other missiles at any animal, the property of another. (Prior code § 21.60)

**Section 9.04.280 Annoying pedestrians--Impeding free passage.**

A. No person shall stand in or upon any street, sidewalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon or so as to obstruct or unreasonably interfere with the free passage of pedestrians.

B. No person shall sit, lie or sleep in or upon any street, sidewalk or other public way.

The provisions of this section shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any permitted parade; nor shall the provisions apply to persons sitting upon benches or other seating facilities provided for such purpose by City authority or permitted by this Code. (Ord. 3566 § 1, 1968)

**Section 9.04.290 Bicycles, skateboards, etc.**

A. It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any sidewalk within any business district within the City. As used in this section, "business district" means "business district" as defined in Section 235 of the California Vehicle Code.

B. It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any private sidewalk, private parking lot or private parking facility within any business district within the City without the direct or implied consent of the owner or person in lawful possession thereof if there is displayed in plain view on the property a sign prohibiting such riding and referring to this code section. (Ord. 5641 § 1, 1988)

#### **Section 9.04.300 Trespass on private property.**

A. No person shall enter or be present upon any private property or portion of private property not open to the general public without the consent of the owner, the owner's agent, or the person in lawful possession, where signs forbidding entry are displayed as provided in Subsection F.

B. No person shall enter upon any private property or portion of private property, not open to the general public, who within the immediately preceding six months was advised as follows: to leave and not return, and that if he or she returns to the property within six months of the advisement he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or person in lawful possession. The advisement shall be documented in writing by the individual making it and shall include the name of the person advised, the date, approximate time, address and type of property involved. Such documentation shall be retained for a minimum period of one year. This subsection is not violated if a person so advised enters the property within the designated six-month period, if he or she has been expressly authorized to do so by the owner, the owner's agent or a person in lawful possession.

C. Entry Requiring Express Consent of Owner.

1. No person shall enter or be present upon private property not open to the general public without the express consent of the owner or the owner's agent when that person:

a. Has been convicted or any violation of the law involving narcotics, prostitution, vandalism, threat to commit a violent act, or a violent act, on that same private property not open to the general public, whether or not such property is posted in accordance with subsection F; and

b. Has, subsequent to the conviction been told to leave and not return to that same property by the owner, the owner's agent or a peace officer at the request of the owner or the owner's agent.

2. The request to leave must be made within six months of the date of the conviction and shall be documented in writing by the individual making the request. The documentation of the request shall include the name of the person being requested to leave, the date, the approximate time, the address and the type of property involved.

3. This subsection applies even if the person has the consent of a person in lawful possession but does not apply to persons who have a right of lawful possession to the subject property. An individual who has the consent of the person in lawful possession may not be refused entry by the owner or the owner's agent for a period exceeding twelve months, computed from the date of the request.

D. No person shall enter or be present upon any private property or portion of private property open to the general public who within the immediately preceding twenty-four hours was advised to leave and not return, and that if he or she returns to the property within twenty-four hours of the advisement, he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or the person in lawful possession. A request to leave may be made only if it is rationally related to the services performed or the facilities provided.

E. The term "private property" shall mean any real property, including but not limited to, buildings, structures, yards, open spaces, walkways, courtyards, driveways, carports, parking



areas and vacant lots, except land which is used exclusively for agricultural purposes, owned by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

F. For purposes of Subsection A, one sign must be printed or posed in a conspicuous manner at every walkway and driveway entering any enclosed property or portion thereof and at a minimum of every fifty feet along the boundary of any unenclosed lot. This requirement is met if at least one sign is conspicuously printed or posted on the outside of every structure on such property, so as to be readable from each walkway and driveway entering such property. The sign shall State as follows:

THIS PROPERTY CLOSED TO THE PUBLIC  
No Entry Without Permission  
R.M.C. §9.04.300

The language "THIS PROPERTY CLOSED TO THE PUBLIC No Entry Without Permission" on said sign shall be at least two inches high.

G. When a peace officer's assistance in dealing with a trespass is requested, the owner, owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed twelve months when such request is made in writing and provides the specific dates of the authorization period.

H. This section shall not apply in any of the following instances: (1) when its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person; (2) when its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers; (3) when public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or (4) when persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

I. Violation of any of the provisions of this section shall be a misdemeanor or an infraction.

J. If any part or provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable. (Ord. 6178 § 3, 1995)

#### **Section 9.04.400      Conduct on public property.**

A. Obstruction of Movement in Public Ways. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this Section, shall occupy any portion of a public way or public place so as to obstruct or interfere with the flow of pedestrian or vehicular traffic thereon, whether such person does so alone or together with one or more persons, or with equipment or personal property of any nature, and whether such person does so by standing, sitting, lying, or in any other manner.

B. Sitting or Lying Down on Public Sidewalks. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall sit or lie down upon a public sidewalk or sidewalk curb, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk.

C. Exceptions. Subsections A and B of this section shall not apply in the following

cases and to the following persons:

1. Persons standing or sitting on the curb or portion of any sidewalk or street while attending or viewing any parade, festival, performance of similar event permitted under the provisions of this code;

2. Persons sitting upon benches or other seating facilities provided or authorized for such purposes by municipal authorities;

3. Any conduct which is in conformity with the terms of any permit granted pursuant to this Code;

4. Any conduct in public places that are privately owned where such conduct is in conformity with permission granted by the owner of said premises or by the person entitled to the possession of said premises;

5. Persons sitting or lying down due to a medical emergency;

6. Persons who, as the result of a disability, utilize a wheelchair or similar device to move about;

7. Persons who place chairs or stools on public sidewalks in conjunction with display devices or noncommercial uses permitted under this code.

D. Conduct on Public Property, Monuments and Lawns. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall:

1. Walk, stand, sit or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street tree planter berm, utility cabinet, railing, fence, planter, or upon any other public property not designed or customarily used for such purposes;

2. Walk, stand, sit or lie upon any public lawn or planted area which is posted with signs that forbid such conduct; or

3. Walk, stand or lie upon any public bench.

E. Public Urination and Defecation Prohibited. No person shall urinate or defecate in public except when using a urinal, toilet or commode located in a bathroom or restroom enclosed from public view.

F. Sidewalk Obstructions -- After Dark. No person, without a permit, shall place on the public sidewalks of the City between eleven p.m. and five a.m. any structure or object which may potentially represent a hazard or obstruction to any able-bodied or disabled person traversing any portion of said public sidewalk. This section shall not apply to items left on public sidewalks for refuse or recycling collection.

G. Public Nuisance Declared. If any vehicle, object, structure, construction material or construction equipment is placed or left upon any public street, sidewalk, roadway, pedestrian way or bicycle path, or in any other public place in the City, contrary to the terms of this Chapter and without the written permission of the Street Superintendent, any such vehicle, object, structure, construction material or construction equipment is declared to be a public nuisance and the Street Superintendent is authorized and empowered to remove any such vehicle, object, structure, construction material or construction equipment from the public street, sidewalk, roadway, pedestrian way or bicycle path forthwith. If the person owning, or otherwise responsible for, any such vehicle, object, structure, construction material or construction equipment is present, then before removing the vehicle, object, structure, construction material or construction equipment, the Street Superintendent or the person designated by the Superintendent shall warn that person that he or she is in violation of this chapter and shall give that person the opportunity to remove forthwith the vehicle, object, structure, construction material or construction equipment.

H. Penalty. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the City Attorney's discretion.

I. Severability. If any part or provision of this Section, or the application thereof to any

person or circumstance, is held invalid, the remainder of the Section, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this section are severable. (Ord. 6178 § 4, 1994)

**Section 9.04.500      Sitting or lying in entrance of building prohibited.**

A. The terms used herein are defined as follows:

1. "Entrance" means the entire area between the outer edge of an entrance to a building and the exterior door and includes the entry way, doorway or vestibule.

B. No person shall sit or lie down in any entrance to a building between the hours of 10:00 p.m. and 7:00 a.m. the following day.

C. The prohibition contained in this Section shall not apply to any person sitting or lying down in any entrance to a building due to a medical emergency or to any person engaged in protected First Amendment activity. (Ord 6834 § 2, 2005)